

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A mobile communication system comprising:

a holding unit configured to hold layered data and ~~data indicating an amount of a~~  
corresponding absolute radio resource amount ~~resources~~ required for transmitting the layered  
data;

a determination unit configured to compare area resource information indicating a  
currently available absolute radio resource amount for respective radio areas covered by base  
stations with the absolute radio resource amount held in the holding unit, and to determine,  
from layered data of a highest layer, at least one layered data of which the absolute radio  
resource held in the holding unit satisfies the currently available absolute radio resource  
amount ~~determine at least one layered data to be transmitted from base stations to mobile~~  
~~stations for respective radio areas, with reference to the holding unit, based on area resource~~  
~~information concerning radio resources for the respective radio areas covered by the base~~  
~~stations; and~~

a radio transmitter configured to transmit the at least one layered data determined by  
the determination unit from the base station to the mobile stations.

Claim 2 (Currently Amended): A radio network controller comprising:

a holding unit configured to hold layered data and a corresponding absolute data  
~~indicating an amount of radio resources~~ resource amount required for transmitting the layered  
data;

a determination unit configured to compare area resource information indicating a  
currently available absolute radio resource amount for respective radio areas covered by base  
stations with the absolute radio resource amount held in the holding unit, and to determine,

from layered data of a highest layer, at least one layered data of which the absolute radio resource hold in the holding unit satisfies the currently available absolute radio resource amount ~~at least one layered data to be transmitted from base stations to mobile stations for respective radio areas, with reference to the holding unit, based on area resource information concerning radio resources for the respective radio areas covered by the base stations; and~~  
a data transmitter configured to transmit the at least one layered data determination by the determination unit to the respective base stations.

Claims 3-4 (Canceled).

Claim 5 (Previously Presented): The radio network controller according to claim 2, further comprising:

a resource information receiver configured to receive the area resource information from the base stations, wherein

the determination unit is configured to determine the at least one layered data based on the area resource information received by the resource information receiver.

Claim 6 (Currently Amended): A base station comprising:

a holding unit configured to hold layered data and ~~data indicating an~~ a corresponding absolute amount of radio resources resource amount required for transmitting the layered data;

a determination unit configured to compare area resource information indicating a currently available absolute radio resource amount for respective radio areas covered by the base station with the absolute radio resource amount held in the holding unit, and to determine, from layered data of a highest layer, at least one layered data of which the

absolute radio resource held in the holding unit satisfies the currently available absolute radio resource amount ~~determine at least one layered data to be transmitted to mobile stations for respective radio areas, with reference to the holding unit, based on area resource information concerning radio resources for the respective radio areas covered by the base station; and~~

a radio transmitter configured to transmit the at least one layered data determined by the determination unit to the mobile stations.

Claims 7-8 (Canceled).

Claim 9 (Previously Presented): The base station according to claim 6, further comprising:

a resource information collection unit configured to collect the area resource information, wherein

the determination unit is configured to determine the at least one layered data, based on the area resource information collected by the resource information collection unit.

Claims 10-11 (Canceled).

Claim 12 (Currently Amended): A communication method used in a mobile communication system which comprises a holding unit configured to hold layered data and ~~data indicating an~~ a corresponding absolute amount of radio resources resource amount required for transmitting the layered data, the communication method comprising:

comparing area resource information indicating a currently available absolute radio resource amount for respective radio areas covered by base stations with the absolute radio resource amount held in the holding unit, and determining, from layered data of a highest

layer, at least one layered data of which the absolute radio resource held in the holding unit satisfies the currently available absolute radio resource amount~~determining at least one layered data to be transmitted from base stations to mobile stations for respective radio areas, with reference to the holding unit, based on area resource information concerning radio resources for the respective radio areas covered by the base stations; and~~

transmitting the at least one layered data determined in the determining step to the mobile stations.

Claim 13 (Previously Presented): The radio network controller according to claim 2, wherein the area resource information is at least one of radio resources capacity for the respective radio areas covered by the base stations and radio resources amount currently available for the respective radio areas.

Claim 14 (Previously Presented): The base station according to claim 6 [[10]], wherein the area resource information is at least one of radio resources capacity for the respective radio areas covered by the base station and radio resources amount currently available for the respective radio areas.